



July 29, 2011

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication, ET Docket No. 10-235; EB Docket No. 04-296; MB Docket No. 11-43; MB Docket No. 09-182

Dear Ms. Dortch:

On July 27, 2011, Jane Mago and the undersigned of the National Association of Broadcasters (NAB) met with Erin McGrath, Acting Legal Advisor, Media, in the Office of Commissioner McDowell.

The purpose of the meeting was to discuss a broad range of regulatory issues that are pending before the Commission.

Specifically, we discussed the Commission's efforts to initiate a reallocation of broadcast spectrum for wireless broadband. The focus of the conversation was continuous efforts by both NAB and the Commission to identify relevant considerations in current legislation that would give the FCC authority to conduct incentive auctions. The topics discussed relate to those at issue in the Commission's present *Notice of Proposed Rulemaking* in ET Docket No. 10-235. The conversation extended to related topics not at issue in that *Notice*, including the structure of incentive auctions, protections for broadcasters that elect not to participate in incentive auctions, potential issues with repacking remaining broadcast channels, and NAB's recently-released Spectrum Impact Study (Study). NAB formally presented the Study to the Media Bureau on Thursday, July 28, 2011, and will provide a copy of the Study in a separate Ex Parte notice.

Additionally, we discussed our coordination with the Public Safety and Homeland Security Bureau for the upcoming November 9 National Emergency Alert System (EAS) test. We expressed our sincere appreciation for Chief Barnett's recent media production at the NAB to help raise National EAS test awareness among the broadcast community.

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We also urged the Commission to act expeditiously to grant a further extension of at least 180 days of the September 30, 2011, Common Alerting Protocol (CAP) equipment compliance deadline, to run from the effective date of the Commission's amendment of any Part 11 rules pursuant to its recently released *Third Further Notice of Proposed Rulemaking* in the EAS proceeding.¹ We noted that, in addition to our initial comments filed in this proceeding which specifically raised this issue,² we would also be filing a separate petition specifically raising the CAP equipment deadline in the next few days.

Moreover, we discussed the timing of the rules governing the implementation of Video Description, MB Docket No. 11-43, and reiterated our position that, due to the significant technical challenges, as well as the realities of the broadcast network program production process, video description programming requirements should not become effective until October 1, 2012.³

Finally, we discussed the status of the upcoming media ownership quadrennial *Notice of Proposed Rulemaking*, MB Docket No. 09-182, in light of the recent decision of the Third Circuit Court of Appeals concerning the 2006 quadrennial review.

Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,



Ann West Bobeck
Senior VP and Deputy General Counsel
Legal and Regulatory Affairs

cc: Erin McGrath

¹ See Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief, Randy Gehman Petition for Rulemaking, *Third Further Notice of Proposed Rulemaking*, EB Docket No. 04-296 (rel. May 26, 2011).

² See Comments of the National Association of Broadcasters, EB Docket No 04-296, July 20, 2011 at pp. 25-27.

³ See Comments of the National Association of Broadcasters, In the Matter of Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 11-43, April 28, 2011 at pp. 15-17.